



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/17/01 09/17/01 (X) 5000

HM12/0917

ADDLEY A. DIAMPOURCIS JR.
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08903-7003

09/17/01	09/17/01
EXAMINER	

ART UNIT	PAPER NUMBER
----------	--------------

1615
DATE MAILED:

09/17/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/632,992

Applicant(s)

ROBERTS ET AL.

Examiner

Liliana Di Nola-Baron

Art Unit

1615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAtee et al. in view of Johnson's Antibacterial Towelettes or Zigelboim in view of Johnson's Antibacterial Towelettes.

The claimed inventions refer to an alcohol-free antibacterial wipe comprising a flexible fabric containing a latex binder and an aqueous antibacterial solution of a cationic antibacterial agent and a surfactant, and to a method of preparing said wipe.

McAtee et al. provides personal care articles comprising a water insoluble substrate and a cleansing composition comprising a surfactant (See e.g., col. 4, lines 36-65). McAtee et al. teaches that the substrate can be made nonwoven materials and includes Chicopee® products containing rayon and a latex binder among the nonwoven substrates used in the invention (See e.g., col. 14, line 56 to col. 15, line 46). McAtee et al. lists disodium lauroamphoacetate among useful amphoteric surfactants (See e.g., col. 23, lines 9-29) and includes benzalkonium chloride among the antimicrobial agents used in the invention (See e.g., col. 46, line 25 to col. 47, line 25). McAtee et al. provides methods for manufacturing the article of the invention and teaches

Art Unit: 1615

that the surfactant and any ingredient can be added onto or impregnated into the substrate (See e.g., col. 50, lines 15-64).

Thus, McAtee et al. provides an antibacterial wipe comprising a flexible fabric containing a latex binder and an aqueous antibacterial solution of a cationic antibacterial agent and a surfactant, and a method of preparing said wipe. McAtee et al. includes benzyl alcohol in the formulations of the invention.

Johnson's Antibacterial towelettes are alcohol-free and contain disodium lauroamphodiacetate (See e.g., Label).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the articles disclosed by McAtee et al., by producing articles, which are alcohol-free, to prevent skin dryness and render the article gentler to the skin. Because of the teachings of Johnson, that antibacterial wipes containing disodium laurodiamphoacetate can be alcohol-free, one of ordinary skill in the art would have a reasonable expectation that the wipes and the method for manufacturing said wipes claimed in the instant application would be successful. Therefore the invention as a whole would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made.

Zighelboim discloses a method of sanitizing the teats of milking cows using a flexible wipe constructed of hydrophilic material containing a moisture-activated antimicrobial composition (See e.g., Col. 2, lines 5-37). Zighelboim teaches that the hydrophilic substrates can be made

Art Unit: 1615

from natural or synthetic fibers or filaments, including rayon, bonded with vinyl acetate copolymers (See e.g., col. 4, lines 54-68), and that the antimicrobial agents are selected from non-volatile solid material, including quaternary ammonium compounds (See e.g., col. 5, lines 18-30). In particular, Zighelboim teaches that benzalkonium chloride is the most preferred of the quaternary ammonium compounds (See e.g., col. 5, lines 59-66). Additionally, Zighelboim teaches that the antimicrobial agent can be applied to the hydrophilic substrate by padding, which means that the antimicrobial agent is dissolved or suspended in a liquid solution or suspension, preferably in an aqueous solution or suspension (See e.g., col. 6, lines 15-22 and lines 42-45). Finally, Zighelboim teaches that the amount of antimicrobial agent, with which the hydrophilic substrate is impregnated, is from about 0.5% to about 5% by weight of the substrate, preferably 1.0 to 2.0% by weight (See e.g., col. 6, lines 37-41). Zighelboim describes the preparation of the wipes of the invention in Example 1.

Zighelboim does not include a surfactant in the antimicrobial wipe.

Johnson's Antibacterial towelettes are alcohol-free and contain disodium lauroamphodiacetate (See e.g., Label).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the wipes disclosed by Zighelboim by including a surfactant, such as disodium lauroamphodiacetate, to provide the consumer with a wet feeling when using the wipe. Because of the teachings of Johnson, that antibacterial wipes may contain disodium laurodiamphoacetate, one of ordinary skill in the art would have a reasonable expectation that the

Art Unit: 1615

wipes and the method for manufacturing said wipes claimed in the instant application would be successful. Therefore the invention as a whole would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liliana Di Nola-Baron whose telephone number is 703-308-8318. The examiner can normally be reached on Monday through Thursday, 5:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K Page can be reached on 703-308-2927. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3592 for regular communications and 703-305-3592 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1234/ 1235.

September 13, 2001

THURMAN K. PAGE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600